

Notice of Allowability

Application No.

09/941,283

Examiner

Susan W Berman

Applicant(s)

BRADFORD ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 01-22-2004.
2. ☒ The allowed claim(s) is/are 1-21.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01-22-2004 has been entered.

Reasons for Allowance

The following is an examiner's statement of reasons for allowance: Upon reconsideration in response to applicant's arguments presented 01-22-2004, it is agreed that the claims limitations set forth in claim 1 and in the dependent claims with respect to the nonvolatile weight ratio "UV/Th" distinguishes the instantly claimed compositions from those taught in the cited art. Applicant has amended claim 1 to recite that components (a2) and (a3) contain "substantially no functional groups having bonds activatable upon exposure to ultraviolet radiation", which further distinguishes the instantly claimed compositions from those in the prior art by further limiting the number of radiation curable functional groups available in the compositions. The dependent claims set forth additional limitations with respect to UV/Th ratio, ratio of NCO groups to co-reactive functional groups, % aromatic ring moieties, and polydispersity that are not taught in the cited prior art.

Larhmann et al teach that the crosslinking density of the film may be adjusted via the functionality of the binder constituents used (column 8, lines 44-49), but do not suggest the instantly claimed limitations. The examples, specifically Examples 6 and 8, in Larhmann et al appear to teach a higher number of radiation curable groups than thermally curable groups.

Sirkoch et al (4,634,602) disclose dual curable compositions comprising a radiation sensitive compound, a radiation insensitive compound containing hydroxyl groups and a crosslinking agent

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selected from aminoplast resins and blocked isocyanates and a reactive diluent. Sirkoch et al teach weight percents in claims 8-10 that overlap the instantly claimed ratio, but do not teach limiting the number of radiation curable functional groups to get a UV/Th ratio as defined by applicant.

DE Patent 99 141 (translation supplied by applicant) discloses compositions for SMC and BMC coating comprising component (a1) corresponding to instantly claimed component (a1), component (a2) corresponding to instantly claimed component (a3) and component (a7) corresponding to instantly claimed component (a2). While the compositions disclosed would be expected to include composition that provide the UV/TH ratio set forth in the instant claims, DE '141 does not teach or suggest limiting the composition to those having a UV/TH ratio set forth in the instant claims.

EP '892, already of record, teaches compositions comprising a polyester polyol and a radiation curable polyester with a crosslinking agent for the polyol. However, EP '892 does not teach the UV/Th ratio set forth in the instant claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan W Berman whose telephone number is 571 272 1067. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on 571 272 1078. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Susan W Berman
Primary Examiner
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SB
4/19/04